

Appl. No. : 10/791,164  
Filed : March 2, 2004

## **REMARKS**

Please reconsider the above-identified application in view of the amendments set forth above and the remarks set forth below.

### **Information Disclosure Statement**

Applicant, out of an abundance of caution, is submitting a number of references that are of record in the applications identified in paragraph 0033. Applicant respectfully requests consideration of these references.

### **Amendments to the Specification**

Paragraph 0033 has been amended to insert the filing date information related to the applications that are identified by title and attorney docket number. No new matter is added by these amendments and entry of the amendments is respectfully requested.

### **Claims 1-4, 6, 8-10, 12-21, 31, 32, 34 and 37 Are Patentable**

Claims 1-4, 6, 8-10, 12-21, 31, 32, 34 and 37 have been rejected as anticipated by Matsuura et al. (United States Patent No. 6,920,949). Applicant respectfully disagrees.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference.

#### **Claims 1-4 and 34**

Claim 1 recites, among other limitations, at least a portion of the air intake duct being positioned lower than the uppermost surface of the wheels. The air intake duct forms a part of the air intake system that supplies air to the engine for combustion.

The duct of Matsuura et al. identified in the Office Action was a duct that supplied air to the belt case. The air intake duct of Matsuura is shown in Figures 13 and 14 and identified by the reference numeral 150. Clearly, the air intake duct of Matsuura does not have at least a portion that is positioned lower than the uppermost surface of the wheels. Thus, Claim 1 is not anticipated by Matsuura.

Claims 2-4 and 34 depend from Claim 1 and are not anticipated for at least the same reasons that Claim 1 is not anticipated. Moreover, at least some of these claims recite further patentable distinctions. For instance, Claim 2 recites that the air inlet is disposed below a hood that covers at least a front portion of the frame.

Reconsideration and allowance of Claims 1-4 and 34 are respectfully requested.

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Claims 6, 8-10 and 12-21

Claim 6 recites, among other limitations, at least a portion of an air delivery conduit extending below a floorboard. The air delivery conduit forms a portion of an air intake system that supplies air to an intake port of an engine for combustion.

As discussed above, when properly construed, Matsuura did not disclose an air delivery conduit of an air intake system that supplied air to the engine for combustion and that extended below a floorboard. As shown in Figure 13, the air intake system is largely positioned above the engine. Thus, Claim 6 is not anticipated.

Claims 8-10 and 12-21 depend from Claim 6 and are not anticipated for at least the same reasons that Claim 6 is not anticipated. Moreover, at least some of these claims recite further patentable distinctions. For instance, Claim 8 recites that the air delivery conduit connects the air cleaner to the air intake port.

Reconsideration and allowance of Claims 6, 8-10 and 12-21 are respectfully requested.

Claims 31, 32 and 37

Claim 31 recites, among other limitations, that at least a portion of the engine lies behind a seat.

As best shown in Figure 2, no portion of the engine in Matsuura is positioned behind the seat. With reference to Figure 1 of Matsuura, no portion of the engine extends any further rearward than the most forward surface of the rear wheels, which are positioned forward of the rear of the seat. Thus, Claim 31 is not anticipated by Matsuura.

Claims 32 and 37 depend from Claim 31 and are not anticipated for at least the same reasons that Claim 31 is not anticipated. Moreover, at least one of these dependent claims recites further patentable distinctions. For instance, Claim 37 recites that at least a portion of one combustion chamber of the engine is positioned rearwardly of the seat.

Reconsideration and allowance of Claims 31, 32 and 37 are respectfully requested.

**Allowable Subject Matter**

Applicant appreciates the indication that Claim 5 contains allowable subject matter. At this time, however, Applicant believes Claim 1 to be patentable over the applied references and, therefore, has not amended Claim 5 to place it in independent form.

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**CONCLUSION**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

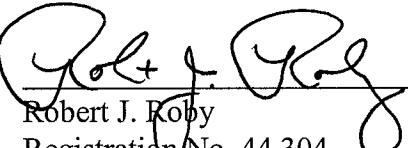
The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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